

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:08-cv-00187-W**

**IN RE:**

**RIVER ROCK COTTAGES, LLC.,**

**Debtor-Appellant.**

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**ORDER**

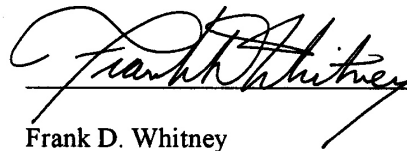
THE MATTER is before the Court, sua sponte, as to the status of this case. Following notice of appeal, appellant River Rock Cottages, LLC, sought an emergency stay of the bankruptcy court's order, which had denied a stay in foreclosure proceedings involving the debtor River Rock. On May 7, 2008, this Court denied River Rock's motion for an emergency stay (Doc. No. 11). Since that order, River Rock has failed to submit any other filings in prosecution of its appeal.

On June 26, 2008, the bankruptcy court dismissed the underlying bankruptcy action (07-32532) that is the subject of this appeal, apparently on River Rock's own motion (Doc. No. 14). By virtue of the debtor's dismissal of the case in the bankruptcy court, this appeal becomes moot. Moreover, River Rock's failure to prosecute its appeal also warrants dismissal.

IT IS, THEREFORE, ORDERED that the Notice of Appeal is dismissed as moot. The Clerk is DIRECTED to close the case.

IT IS SO ORDERED.

Signed: July 22, 2008



Frank D. Whitney  
United States District Judge

